

REMARKS

The Office Action of September 25, 2007 was received and carefully reviewed. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 1-24 were pending prior to the instant amendment. By this amendment, claims 1, 3, 13, 14, and 15 are amended; claims 2, 4, 16, 25, 26, 29 and 30 are canceled; claims 33-37 are added. Thus, claims 1, 3, 5-15, 17-24, 27-28 and 31-37 are currently pending in the instant application of which claims 7-12 and 19-24 are withdrawn.

Claims 1, 3-6, 13-18, 25-32 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Yamazaki et al. (U.S. Patent No. 7,176,069). Yamazaki et al., however, fails to render the claimed invention, as amended, unpatentable. Each of the claims recite a specific combination of features that distinguishes the invention from the prior art in different ways. For example, each of the amended independent claims 1, 3, 13, 14, and 15 recite a combination that includes, among other things, that a solution ejector has solution ejector ports arranged in a cluster-pattern. At the very least, Yamazaki et al. fails to teach any of these exemplary features recited in independent claims 1, 3, 13, 14, and 15.

For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02). Since each and every element, as set forth in the claims are not found either expressly or inherently described as required by the M.P.E.P., Yamazaki et al. cannot be said to anticipate the invention as claimed. Hence, withdrawal of the rejection is respectfully requested.

Each of the dependent claims depend from one of independent claims 1, 3, 13, 14, or 15 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claims 1, 3, 13, 14, or 15.

In addition, each of the dependent claims also recites combinations that are separately patentable.

Claims 1-6 and 13-18, were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogawa (U.S. Patent Publication No. 2003/0132987) in view of Tsutsui (U.S. Patent Publication No. 2001/0027013) in view of Mori et al. (JP Patent No. 2000/169977). Ogawa in view of Tsutsui and Mori et al. however, fail to render the claimed invention, as amended, unpatentable. Each of the claims recite a specific combination of features that distinguishes the invention from the prior art in different ways. For example, each of the amended independent claims 1, 3, 13, 14, and 15 recite a combination that includes, among other things, that a solution ejector has solution ejector ports arranged in a cluster-pattern. At the very least, Ogawa, Tsutsui and Mori et al. fail to disclose or fairly suggest any of these exemplary features recited in independent claims 1, 3, 13, 14, and 15.

In accordance with the M.P.E.P. § 2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 196 (CCPA 1970). Therefore, it is respectfully submitted that neither Ogawa, Tsutsui nor Mori et al., taken alone or in any proper combination, disclose or suggest the subject matter as

recited in independent claims 1, 3, 13, 14, and 15. Hence, withdrawal of the rejection is respectfully requested.

Each of the dependent claims depend from one of independent claims 1, 3, 13, 14, or 15 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claims 1, 3, 13, 14, or 15.

In addition, each of the dependent claims also recites combinations that are separately patentable.

The Examiner also provisionally rejected claims 1-6 and 13-18 on the ground of nonstatutory obviousness type double patenting as being unpatentable over claims of copending Application Nos. 10/771,421, 10/771,277, and 10/772,419. Applicant respectfully requests the Examiner to hold the double patenting rejection in abeyance until all the prior art rejections are overcome.

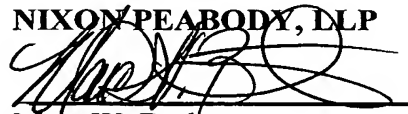
In view of the foregoing remarks, this claimed invention, as amended, is not rendered obvious in view of the prior art references cited against this application. Applicant therefore request the entry of this response, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

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Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned patent agent at (202) 585-8316.

Respectfully submitted,

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